



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

VIA HAND DELIVERY

NOV 10 2011

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Headquarters Hearing Clerk (1900L)
Office of Administrative Law Judges
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Joint Set of Stipulated Facts, Exhibits and Testimony & Notice of Appearance of Erin K. Saylor
Docket No. TSCA-HQ-2010-5022

Dear Madam:

Enclosed please find an original and two (2) copies each of a Joint Set of Stipulated Facts, Exhibits and Testimony and the Notice of Appearance of Erin K. Saylor in the above matter.

Please file the original of each document and return one date-stamped copy of each document to Complainant.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A.R. Chalfant".

Mark A.R. Chalfant
Counsel for Complainant

Enclosure

cc: John J. McAleese, III, Morgan Lewis & Bockius LLP (via email and U.S. mail)
Ronald J. Tenpas, Morgan Lewis & Bockius LLP (via email)
William S. Pufko, Morgan Lewis & Bockius LLP (via email)
The Honorable Susan L. Biro, U.S. EPA Office of Administrative Law Judges (hand delivery only)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

RECEIVED BY OALJ
2011 NOV 10 AM 11:40

IN THE MATTER OF:)
)
)
Elementis Chromium Inc.,)
f/k/a Elementis Chromium, LP)
)
Respondent.)
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)
)
)

Docket No. TSCA-HQ-2010-5022

JOINT SET OF STIPULATED FACTS,
EXHIBITS AND TESTIMONY

In accordance with the Presiding Officer's August 22, 2011, Notice of Hearing and Scheduling Order, Complainant United States Environmental Protection Agency (Complainant or EPA) and Respondent Elementis Chromium, Inc. (Respondent or Elementis Chromium) respectfully submit the foregoing Joint Set of Stipulated Facts, Exhibits and Testimony. In order to narrow the issues and minimize the necessity for the introduction of evidence at hearing, the parties enter into the following joint stipulations:

FACTUAL STIPULATIONS

1. On September 10, 2010, Elementis Chromium LP was merged into Elementis Chromium GP Inc.
2. On September 10, 2010, Elementis Chromium GP Inc. then changed its name to Elementis Chromium Inc.
3. Elementis Chromium Inc. is a New Jersey corporation registered to do business in the State of New Jersey.

4. Elementis Chromium Inc. is a manufacturer of chemical substances, including chromic acid, chromic oxide, and sodium dichromate.
5. Elementis and its predecessors have been manufacturing chromium chemicals for more than 35 years.
6. Elementis Chromium Inc. is a distributor in commerce of chemical substances, including chromic acid, chromic oxide, and sodium dichromate.
7. In or about 1998, the Industrial Health Foundation (IHF) Chromium Chemicals Health and Environmental Committee initiated an epidemiology study involving two chromium chemicals manufacturing plants located in the United States (Castle Hayne, North Carolina and Corpus Christi, Texas), two chromium chemicals manufacturing plants located in Germany (Leverkusen and Uerdingen, Germany) and one chromium chemicals manufacturing plant in the United Kingdom (Eaglescliffe, England).
8. In 1999, the Eaglescliffe, England chromium chemicals manufacturing plant was eliminated from the epidemiology study because it became apparent that the data from that plant would not be compiled in time to be included in the study.
9. The Final Four Plant Report¹ presents the results of an epidemiological mortality study of the combined employees of four chromium chemicals production facilities, including two plants in Germany and two in the United States.
10. The Final Four Plant Report cohort included 1,518 employees.
11. The Final Four Plant Report found elevated risk of lung cancer from exposure to hexavalent chromium for the high exposure group (≥ 200 $\mu\text{g/L}$ -years) using standardized mortality ratio analysis.

¹ Final Four Plant Report refers to CX 1 (Applied Epidemiology, Inc., *Collaborative Cohort Mortality Study of Four Chromate Production Facilities, 1958 - 1998: Final Report* (Final Four Plant Report), dated September 27, 2002).

12. On October 8, 2002, Kenneth A. Mundt, Ph.D. emailed the "final" copy of the Final Four Plant Report dated September 27, 2002 (CX 1) to the IHF.
13. Kenneth A. Mundt, Ph.D. was a Principal of Applied Epidemiology, Inc. until Applied Epidemiology, Inc. merged into ENVIRON International Corporation on November 1, 2003.
14. In or about 1984, Joel Barnhart, Ph.D. became a member of the IHF Chromium Chemicals Health and Environmental Committee as the representative of American Chrome & Chemicals (now known as Elementis Chromium).
15. From 1984 until 2003 when IHF was dissolved in bankruptcy, Joel Barnhart, Ph.D. served as a member of the IHF Chromium Chemicals Health and Environmental Committee.
16. From 1988 until at least September 2, 2010, the date of the filing of the complaint in the above-captioned matter, Joel Barnhart, Ph.D. served as Vice President - Technical for Elementis Chromium.
17. On October 8, 2002, Joel Barnhart, Ph.D., of Elementis Chromium, obtained a copy of the Final Four Plant Report from Marianne Kaschak of the IHF.
18. On or about October 8, 2002, Elementis Chromium obtained the Final Four Plant Report.
19. Elementis Chromium did not submit the Final Four Plant Report dated September 27, 2002, to EPA at the time Elementis Chromium obtained a copy of the report on or about October 8, 2002.
20. Elementis Chromium did not submit the Final Four Plant Report dated September 27, 2002, to EPA until November 17, 2008, in response to a subpoena from EPA.

JOINT STIPULATED EXHIBITS

The parties hereby stipulate that the following are true and authentic copies of original documents and are admissible into evidence in this matter:

List of Joint Stipulated Exhibits	
Complainant's Exhibit No.	Document
	COMPLAINANT'S EXHIBITS PREVIOUSLY SUBMITTED WITH MOTION FOR ACCELERATED DECISION
1.	Applied Epidemiology, Inc., <i>Collaborative Cohort Mortality Study of Four Chromate Production Facilities, 1958 - 1998: Final Report</i> (Final Four Plant Report), dated September 27, 2002
2.	Applied Epidemiology, Inc., <i>Draft Protocol - Collaborative Cohort Mortality Study of Five Chromate Production Facilities, 1958 - 1998</i> (Draft Protocol for Final Four Plant Report), dated April 23, 1999
3.	Applied Epidemiology, Inc., <i>Revised Protocol - Collaborative Cohort Mortality Study of Five Chromate Production Facilities, 1958 - 1998</i> (Revised Protocol for Final Four Plant Report), dated July 9, 1999
4.	Email from Marianne C. Kashak, Industrial Health Foundation, Inc., to Joel Barnhart, Vice President, Elementis Chromium - U.S. et al., entitled, "AEI's [Applied Epidemiology, Inc.'s] Final Report," dated October 8, 2002
5.	U.S. Environmental Protection Agency TSCA Subpoena in the Matter of Hexavalent Chromium Investigation Served on Dr. Joel Barnhart, Elementis, dated August 22, 2008
6.	Elementis response to U.S. Environmental Protection Agency TSCA Subpoena served on Dr. Joel Barnhart, Elementis, dated November 17, 2008, with index of responsive documents
7.	Elementis supplemental response to U.S. Environmental Protection Agency TSCA Subpoenas, dated December 12, 2008, with index of responsive documents

List of Joint Stipulated Exhibits	
Complainant's Exhibit No.	Document
8.	Elementis 2006 TSCA section 8(a) Inventory Update Report (Chromic acid)
9.	Elementis 2006 TSCA section 8(a) Inventory Update Report (Chromium oxide)
	COMPLAINANT'S INITIAL PREHEARING EXCHANGE EXHIBITS
	1975
16.	T.F. Mancuso, <i>Consideration of Chromium as an Industrial Carcinogen</i> , Int'l Conf. on Heavy Metals in the Env't, Toronto, Ontario 343 (1975)
	1978
17.	U.S. Environmental Protection Agency, Notification of Substantial Risk Under Section 8(e) (TSCA section 8(e) Guidance), 43 Fed. Reg. 11,110 (March 16, 1978)
	1981
19.	M.R. Alderson et al., <i>Health of workmen in the chromate-producing industry in Britain</i> , 38 BR. J. IND. MED. 117 (1981)
	1985
20.	E.R. Braver et al., <i>An Analysis of Lung Cancer Risk From Exposure to Hexavalent Chromium</i> , 5 TERATO., CARCINOGEN., and MUTAGEN. 365 (1985)
	1991
21.	U.S. Environmental Protection Agency, <i>TSCA Section 8(e) Reporting Guide</i> (June 1991)
22.	J.M. Davies et al., <i>Mortality from respiratory cancer and other causes in United Kingdom chromate production workers</i> , 48 BR. J. IND. MED. 299 (1991)
23.	The Chemical Manufacturers Association's Epidemiology Task Group, <i>Guidelines for Good Epidemiology Practices for Occupational and Environmental Epidemiologic Research</i> , 33 J. OCCUP. MED. 1221 (1991)
	1993
24.	U.S. Environmental Protection Agency, TSCA Section 8(e); Notification of Clarification and Solicitation of Public Comment, 58 Fed. Reg. 37,735 (July 13, 1993)
25.	U. Korallus et al., <i>Bronchial carcinoma mortality in the German chromate-producing industry: The effects</i>

List of Joint Stipulated Exhibits	
Complainant's Exhibit No.	Document
	<i>of process modification</i> , 65 INT'L ARCH. OCCUP. ENVIRON. HEALTH 171 (1993)
	1994
26.	H. Pastides et al., <i>A Retrospective-Cohort Study of Occupational Exposure to Hexavalent Chromium</i> , 25 AM. J. IND. MED. 663 (1994)
	1996
27.	Minutes of Chrome Coalition Ad Hoc PEL [Permissible Exposure Limit] Committee - Special Meeting with ChemRisk, dated February 13, 1996
28.	Chrome Coalition Ad Hoc PEL Committee - Special Meeting/Interview with ChemRisk Committee - Discussions and Recommendations, dated February 13, 1996
29.	Memorandum entitled, "Recent Activities of the Chrome Coalition OSHA/PEL [Permissible Exposure Limit] Ad Hoc Committee," from M.A. Buczynski, Occidental Chemical Corporation, to Dave B. Stephenson, Occidental Chemical Corporation, dated April 4, 1996
30.	Minutes of the Environmental Subcommittee - IHF Chromium Chemicals Health and Environmental Committee, dated October 16, 1996
31.	Minutes of the Management Committee Meeting - IHF Chromium Chemicals Health and Environmental Committee, dated October 17, 1996
	1997
32.	Facsimile Transmittal from Bruce Norman, Elementis Chromium - UK, to Members IHF Health, Safety, and Environment Committee, dated March 17, 1997
33.	Applied Epidemiology, Inc., <i>Epidemiological Study of Six Modern Chromate Production Facilities: A Unified Strategy for Updating Mortality Experience Through 1998 (A Draft Proposal)</i> , dated March 17, 1997 (Draft Proposal for Modern Four Plant Report)
34.	Minutes of the Special Session of the Epidemiology/ Human Effects Subcommittee Meeting - IHF Chromium Chemicals Health and Environmental Committee, dated April 16, 1997
35.	Letter from Leo Miksche, Bayer, AG, and Kenneth A.

List of Joint Stipulated Exhibits	
Complainant's Exhibit No.	Document
	Mundt, Applied Epidemiology, Inc., to Kamal Singh, Occidental Chemical Corporation, entitled, "Exposure Questionnaire," dated September 18, 1997
36.	Applied Epidemiology, Inc., <i>Epidemiological Study of Six Modern Chromate Production Facilities: A Unified Strategy for Updating Mortality Experience Through 1998 - Part I: Exposure Assessment - A Draft Proposal</i> , dated October 21, 1997 (Draft Proposal for Modern Four Plant Report)
37.	Minutes of the Special Session of the Epidemiology/Human Effects Subcommittee Meeting - IHF Chromium Chemicals Health and Environmental Committee, dated October 22, 1997
38.	Minutes of the Environmental Subcommittee Meeting - IHF Chromium Chemicals Health and Environmental Committee, dated October 23, 1997
39.	Minutes of the Epidemiology/Human Effects Subcommittee Meeting - IHF Chromium Chemicals Health and Environmental Committee, dated October 23, 1997
40.	Letter from Kenneth A. Mundt, Ph.D., Applied Epidemiology, Inc., to Marianne Kaschak, Industrial Health Foundation, Inc., dated November 19, 1997, transmitting revised proposal and attachment entitled, <i>Collaborative Cohort Mortality Study of Six Chromate Production Facilities, 1958-1998 (A Proposal)</i> , dated November 18, 1997
41.	Memorandum from Joel Barnhart to IHF Chromium Chemicals Health and Environmental Committee entitled, "OSHA Consideration of a Workplace Standard for Cr+6," dated November 19, 1997
	1998
43.	Email from Mark R. Stenzel to Gene Renzaglia, Plant Manager, Castle Hayne, North Carolina, Occidental Chemical Corporation (OxyChem) et al., entitled, "Re: AEI Epidemiology Proposal," dated January 26, 1998
44.	Applied Epidemiology, Inc., <i>Collaborative Cohort Mortality Study of Five Chromate Production Facilities, 1958 - 1998, Revised Proposal</i> , dated February 24, 1998

List of Joint Stipulated Exhibits	
Complainant's Exhibit No.	Document
45.	"Agreement for Consulting Services," between the Industrial Health Foundation, Inc. and Applied Epidemiology, Inc., dated March 1, 1998, regarding consulting services for proposed epidemiology study entitled, <i>Collaborative Cohort Mortality Study of Five Chromate Production Facilities, 1958 - 1998: Revised Proposal</i> , Applied Epidemiology, Inc., dated February 24, 1998
46.	Letter from Kenneth A. Mundt, Applied Epidemiology, Inc., to Marianne C. Kaschak, Industrial Health Foundation, Inc., entitled, "Signed contract," dated April 4, 1998
47.	Minutes of the Special Session of the Epidemiology/ Human Effects Subcommittee Meeting - IHF Chromium Chemicals Health and Environmental Committee, dated April 21, 1998
48.	Minutes of the Management Committee Meeting - IHF Chromium Chemicals Health and Environmental Committee, dated April 23, 1998
49.	Letter from R.J. Barnhart, Ph.D., Vice President - Technical, Elementis Chromium, to Kenneth A. Mundt, Applied Epidemiology, Inc., dated June 1, 1998, and signed copy of new contract, "AGREEMENT FOR CONSULTING SERVICES," between Elementis Chromium, LP and Applied Epidemiology, Inc., dated May 22, 1998
50.	Invoice #EC98-0616 for \$15,000 from Kenneth A. Mundt, Ph.D., to R. Joel Barnhart, Ph.D., Vice-President-Technical, Elementis Chromium, LP, dated June 16, 1998
51.	Elementis Chromium - Check Preparation Request for \$15,000 to Applied Epidemiology Inc., dated June 19, 1998
52.	Letter from Bruce Norman, Chairman, Chromium Chemicals Health and Environmental Committee, Industrial Health Foundation, Inc., to Dr. Adam Finkle, Occupational Safety and Health Administration, U.S. Department of Labor, dated July 24, 1998
53.	U.S. Environmental Protection Agency, <i>Toxicological Review of Hexavalent Chromium (CAS No. 18540-29-9)</i> :

List of Joint Stipulated Exhibits	
Complainant's Exhibit No.	Document
	<i>In Support of Summary Information on the Integrated Risk Information System (IRIS)</i> (August 1998)
54.	Minutes of the Management Committee Meeting - IHF Chromium Chemicals Health and Environmental Committee, dated October 8, 1998
	1999
55.	Email from Bruce Norman, Elementis Chromium - UK, to Joel Barnhart, Elementis Chromium - U.S. et. al., entitled, "Re: Chrome Study," dated February 15, 1999
56.	Email from Joel Barnhart, Elementis Chromium - U.S., to Bruce Norman, Elementis Chromium - UK, dated February 19, 1999
57.	Email from Ching Aw, Elementis Chromium - UK, to Joel Barnhart, Elementis Chromium - U.S., entitled "Study Protocol etc," dated March 1, 1999
58.	Letter from Joseph P. Tritschler II, Applied Epidemiology, Inc., to Marianne C. Kaschak, Industrial Health Foundation Inc., dated March 30, 1999, with enclosures: <i>Guidelines for Good Epidemiology Practices for Occupational and Environmental Epidemiologic Research</i> , 33 J. OCCUP. MED. 1221 (1991), and <i>A Proposal for a Code of Good Epidemiological Practice</i> (March 1997)
59.	Email from Kenneth A. Mundt, Applied Epidemiology, Inc., to Marianne C. Kaschak, Industrial Health Foundation, Inc., entitled, "RE: Athens Conference," dated June 23, 1999
60.	Facsimile Transmittal from Grant Darrie, Elementis Chromium - UK (Eaglescliffe, England), to Marianne C. Kaschak, Industrial Health Foundation, Inc., dated June 28, 1999, with copy to Joel Barnhart, Elementis Chromium - US
61.	U.S. Environmental Protection Agency, <i>Guidelines for Carcinogen Risk Assessment</i> (Review Draft) (July 1999)
	2000
62.	H.J. Gibb et al., <i>Lung Cancer Among Workers in Chromium Chemical Production</i> , 38 AM. J. IND. MED. 115 (2000)
	2001

List of Joint Stipulated Exhibits	
Complainant's Exhibit No.	Document
63.	Final Invoice #EC01-0628 for \$11,480 from Kenneth A. Mundt, Ph.D., Applied Epidemiology Inc., to R. Joel Barnhart, Ph.D., Vice-President-Technical, Elementis Chromium, LP, dated June 28, 2001
64.	Elementis Chromium - Check Preparation Request for -\$11,480 to Applied Epidemiology Inc. (Final Payment for Project Work), dated July 11, 2001
	2002
65.	"Critique of Two Studies by Gibb et al.: Lung Cancer Among Workers in Chromium Chemical Production; Clinical Findings of Irritation Among Chromium Chemical Production Workers," prepared by Exponent for Chromium Coalition and submitted as Appendix E to a filing in OSHA Docket No. H054a, dated June 2002
66.	U.S. Department of Labor, Occupational Safety and Health Administration, Occupational Exposure to Hexavalent Chromium (CrVI), Request for information, 67 Fed. Reg. 54,389 (Aug. 22, 2002)
	2003
67.	U.S. Environmental Protection Agency, TSCA Section 8(e); Notification of Substantial Risk; Policy Clarification and Reporting Guidance (TSCA section 8(e) Guidance), 68 Fed. Reg. 33,129 (June 3, 2003)
68.	C. Crump et al., <i>Dose-Response and Risk Assessment of Airborne Hexavalent Chromium and Lung Cancer Mortality</i> , 23(6) RISK ANAL. 1147 (2003)
69.	R.S. Luippold et al., <i>Lung cancer mortality among chromate production workers</i> , 60 OCCUP. ENVIRON. MED. 451 (2003)
	2004
70.	U.S. Department of Labor, Occupational Safety and Health Administration, Occupational Exposure to Hexavalent Chromium, Proposed rule; request for comments and scheduling of informal public hearings, 69 Fed. Reg. 59,306 (Oct. 4, 2004)
71.	Affidavit of Dr. Joel Barnhart, Vice President, Elementis Chromium, U.S. Bankruptcy Court for the Western District of Pennsylvania, dated December 17, 2004
	2005

List of Joint Stipulated Exhibits	
Complainant's Exhibit No.	Document
72.	U.S. Environmental Protection Agency, <i>Guidelines for Carcinogen Risk Assessment</i> (EPA/630/P-03/001B) (March 2005)
73.	Letter from Peter Lurie, Deputy Director, and Scott L. Nelson, Senior Attorney, Public Citizen, to Amanda Edens, Occupational Safety and Health Administration, U.S. Department of Labor, dated June 29, 2005
74.	R. Luippold et al., <i>Low-Level Hexavalent Chromium Exposure and Rate of Mortality Among US Chromate Production Employees</i> , 47(4) J. OCCUP. ENVIRON. MED. 381 (2005)
	2006
76.	U.S. Department of Labor, Occupational Safety and Health Administration, Occupational Exposure to Hexavalent Chromium; Final Rule, 71 Fed. Reg. 10,100 (Feb. 28, 2006) (amending 29 C.F.R. parts 1910, 1915, 1917, 1918 and 1926)
77.	U.S. Environmental Protection Agency, Memorandum entitled, <i>Determination of TSCA Section 8(e) Roles and Responsibilities</i> , with August 1, 2006 effective date
78.	U.S. Environmental Protection Agency, <i>EPA Toxic Substances Control Act 8(e) Frequent Questions</i> (September 2006)
79.	T Birk et al., <i>Lung Cancer Mortality in the German Chromate Industry, 1958 - 1998</i> , 48(4) J. OCCUP. ENVIRON. MED. 426 (2006)
80.	R. M. Park et al., <i>A Search for Thresholds and Other Nonlinearities in the Relationship Between Hexavalent Chromium and Lung Cancer</i> , 26(1) RISK ANAL. 79 (2006)
	2008
81.	U.S. Environmental Protection Agency TSCA Subpoena in the Matter of Hexavalent Chromium Investigation served on Mr. Eugene Renzaglia, dated August 22, 2008
82.	Elementis response to U.S. Environmental Protection Agency TSCA Subpoena served on Mr. Eugene Renzaglia, Elementis, dated November 17, 2008, with index of responsive documents

List of Joint Stipulated Exhibits	
Complainant's Exhibit No.	Document
	2009
83.	Tolling Agreement between U.S. Environmental Protection Agency and Elementis Chromium, LP signed June 30, 2009
84.	U.S. Environmental Protection Agency, Notice of Violation and Opportunity to Show Cause for Elementis Chromium, LP, with enclosed Summary of Violation, dated September 3, 2009
85.	Tolling Agreement between U.S. Environmental Protection Agency and Elementis Chromium, LP signed September 28, 2009
86.	Tolling Agreement between U.S. Environmental Protection Agency and Elementis Chromium, LP signed October 30, 2009
87.	Tolling Agreement between U.S. Environmental Protection Agency and Elementis Chromium, LP signed December 4, 2009
	2010
88.	Curriculum Vitae of Glinda S. Cooper, Ph.D.
	2011
89.	Curriculum Vitae of Richard W. Clapp, D.Sc., MPH
90.	Curriculum Vitae of Frank E. Speizer, M.D.
	COMPLAINANT'S REBUTTAL PREHEARING EXCHANGE EXHIBITS
	1965
91.	A.B. Hill, <i>The Environment and Disease: Association or Causation?</i> , PROCEEDINGS OF THE ROYAL SOCIETY OF MEDICINE 58:295-300 (1965)
	2000
92.	Letter from Kenneth A. Mundt, Applied Epidemiology, Inc., to Marianne C. Kaschak, Industrial Health Foundation, Inc., dated June 1, 2000, transmitting progress report
	2001
93.	Memorandum from Marianne C. Kaschak, Industrial Health Foundation, Inc. to IHF Chromium Chemicals Health and Environmental Committee dated July 3, 2001, entitled "Cohort Mortality Study of Four Chromate Production Facilities - Interim Report,"

List of Joint Stipulated Exhibits	
Complainant's Exhibit No.	Document
	with attached copy of Interim Report prepared by Applied Epidemiology, Inc. (July 1, 2001)
94.	Applied Epidemiology, Inc., <i>Cohort Mortality Study of Four Chromate Production Facilities - Interim Report</i> , dated October 25, 2001
	2004
95.	J. Barnhart, Comments of Elementis Chromium LP dated December 31, 2004 regarding Proposed Rule for Occupational Exposure to Hexavalent Chromium, Docket H054A EX. 45-1
	2005
96.	J. Barnhart, Hearing Testimony dated January 3, 2004 [sic] submitted on behalf of Chrome Coalition regarding Proposed Rule on Occupational Exposure to Hexavalent Chromium, Docket H054A EX. 45-1
97.	U.S. Department of Labor, Occupational Safety and Health Administration, Transcript of February 1, 2005 Informal Public Hearing for the Proposed Rule On Hexavalent Chromium, Docket H054A EX. 45-1
	2011
98.	Average Hexavalent Chromium Concentrations in Air: Gibb and Modern Four Plant Report Studies
99.	Lung Cancer Mortality Risk in Relation to Cumulative Chromium Exposure Using External Referent Groups (Standardized Mortality Ratios (SMRs)): Gibb and Modern Four Plant Report Studies
100.	Lung Cancer Mortality Risk in Relation to Cumulative Chromium Exposure Using Internal Referent Groups: Gibb and Modern Four Plant Report Studies

List of Joint Stipulated Exhibits	
Respondent's Exhibit No.	Document
	RESPONDENT'S PREHEARING EXCHANGE EXHIBITS
6.	<i>Curriculum vitae</i> of Dr. Herman Gibb
7.	<i>Curriculum vitae</i> of Dr. Kenneth Mundt

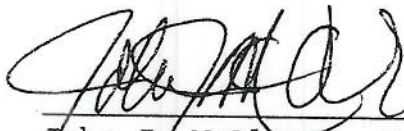
List of Joint Stipulated Exhibits	
Respondent's Exhibit No.	Document
8.	Curriculum vitae of Dr. Joel Barnhart
12.	October 8, 2002 e-mail (excluding enclosures) from K. Mundt to M. Kashek enclosing IHF Chrome Epidemiology Study Final Report (incorporating reviewers' comments) and slides used to present exposure assessment at meeting in Barcelona
13.	Slides used by Dr. Kenneth Mundt to present exposure assessment at meeting in Barcelona in September 2002
14.	April 7, 2003 Final Report "Collaborative Cohort Mortality Study of Four Chromate Production Facilities, 1958 - 1998"
18.	Machle W, Gregorius F. 1948. Cancer of the respiratory system in the U.S. chromate-producing industry. Pub. Health Rep. 63: 1114-1127
19.	Baetjer AM. 1950. Pulmonary carcinoma in chromate workers. II. Incidence on basis of hospital records. AMA Arch Indst Hyg and Occup Med 2:505-516
20.	Mancuso TF, Hueper WC, 1951. Occupational cancer and other health hazards in a chromate plant: a medical appraisal. I. Lung cancer in chromate workers. Indust Med and Surg 20:358-363
21.	U.S. Public Health Service. 1951. Health of workers in chromate producing industry—a study. Public Health Service Publication No. 192
23.	National Institute of Occupational Safety and Health. 1975. Criteria for a recommended standard... exposure to chromium (VI). HEW Publication No. (NIOSH) 76-129
24.	Hayes RB, Lilienfeld AM, Snell LM. 1979. Mortality in chromium chemical production workers: a

List of Joint Stipulated Exhibits	
Respondent's Exhibit No.	Document
	prospective study. Int J. Epidemiol 8(4):365-373
25.	EPA. 1984. Health assessment document for chromium. EPA-600/8-83-14F
26.	IARC. 1987. Monographs on the evaluation of carcinogenic risks to humans. Supplement 7. 1987. International Agency for Research on Cancer, Lyons, France
27.	IARC. 1990. Monographs on the evaluation of carcinogenic risks to humans: chromium, nickel, and welding. Volume 49. International Agency for Research on Cancer, Lyons, France
28.	ATSDR. 1993. Toxicological profile for chromium. Agency for Toxic Substances and Disease Registry, U.S. Department of Health and Human Services
29.	Government of Canada. 1994. Priority substances list assessment report—Chromium and its compounds
30.	Mancuso TF. 1997b. Chromium as an industrial carcinogen: Part II. Chromium in human tissues Am J. Ind Med 31:140-147
31.	Mancuso TF. 1997a. Chromium as an industrial carcinogen: Part 1. Am. J Ind Med 31:129-139
32.	SMR Analysis of Gibb Study Findings and September 2002 Four Plant Report
33.	SMR Analysis of Gibb Study Findings and April 2003 Four Plant Report
35.	K.S. Crump Division. 1995. Evaluation of Epidemiological Data and Risk Assessment for Hexavalent Chromium. Prepared for the Occupational Safety and Health Administration, Washington, D.C. Hexavalent Chromium Docket, Docket H-054A, Exhibit #13-5

The above stipulations are signed by representatives of the parties
on the dates set forth below.

For Respondent Elementis Chromium Inc:


November 10, 2011
Date



John J. McAleese, III
Ronald J. Tenpas
William S. Pufko
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
(215) 963-5000

For Complainant:

11-10-2011
Date



Mark A.R. Chalfant, Attorney
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
(MC 2249A)
Washington, D.C. 20460-0001
(303) 312-6177

CERTIFICATE OF SERVICE

I certify that the foregoing *Joint Set of Stipulated Facts, Exhibits and Testimony* and *Notice of Appearance of Erin K. Saylor* in Docket No. TSCA-HQ-2010-5022, both dated November 10, 2011, were sent this day in the following manner to the addresses listed below:

Original by hand and email to:

Sybil Anderson
Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Franklin Court, Suite 350
1099 14th Street, N.W.
Washington, DC 20005

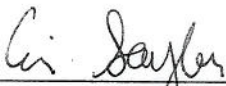
Copy by U.S. mail and email to:

Attorneys for Respondent: John J. McAleese, III (U.S. mail and email)
Ronald J. Tenpas (email only)
William S. Pufko (email only)
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, PA 19103

Copy by hand to:

Presiding Judge:

The Honorable Susan L. Biro
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Franklin Court, Suite 350
1099 14th Street, N.W.
Washington, DC 20005



Erin K Saylor, Attorney
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W. (MC 2249A)
Washington, D.C. 20460
Telephone: 202-564-6124
Email: saylor.erin@epa.gov

Date: 11/10/2011